



General Assembly

February Session, 2000

Amendment

LCO No. 2929

Offered by:

REP. EBERLE, 15th Dist.

To: Subst. House Bill No. 5184

File No. 122

Cal. No. 143

***"An Act Concerning The Certification Of Water
Treatment Plant And Water Distribution System
Operators."***

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- 1 In line 151, after "procuring" strike out "or"
- 2 In line 152, strike out "attempting to procure"
- 3 Strike out lines 162 to 183, inclusive, in their entirety and insert the
- 4 following in lieu thereof:
- 5 "(a) (1) If, upon review, investigation or inspection, the
- 6 Commissioner of Public Health determines that a water company has
- 7 violated any provision of section 25-32, as amended by this act, section
- 8 25-32d or any regulation adopted [thereunder] under section 25-32d,
- 9 or any regulation in the Public Health Code relating to the purity and
- 10 adequacy of water supplies or to the testing of water supplies or any
- 11 report of such testing, [he] the commissioner may impose a civil
- 12 penalty not to exceed five thousand dollars per violation per day upon
- 13 such water company, except that if a water company has violated any
- 14 provision of subdivision (1) of subsection (m) of section 25-32, as

15 amended by this act, or any regulation adopted under said
16 subdivision, the commissioner may impose a civil penalty (A) not to
17 exceed five thousand dollars per violation per day in the case of a
18 water company that serves ten thousand or more persons, (B) not to
19 exceed two thousand five hundred dollars per violation per day in the
20 case of a water company that serves three thousand three hundred or
21 more persons but less than ten thousand persons, (C) not to exceed one
22 thousand dollars per violation per day in the case of a water company
23 that serves one thousand or more persons but less than three thousand
24 three hundred persons, or (D) not to exceed five hundred dollars per
25 day in the case of a water company that serves twenty-five or more
26 persons but less than one thousand persons. Governmental immunity
27 shall not be a defense against the imposition of any civil penalty
28 imposed pursuant to this section.

29 (2) The [Commissioner of Public Health] commissioner shall adopt
30 regulations, in accordance with the provisions of chapter 54,
31 establishing a schedule or schedules of the amounts, or the ranges of
32 amounts, of civil penalties which may be imposed under this section.
33 In adopting such regulations, the commissioner shall consider the size
34 of or the number of persons served by the water company, the level of
35 assessment necessary to insure immediate and continued compliance
36 with such provision, and the character and degree of injury or
37 impairment to or interference with or threat thereof to: [(1)] (A) The
38 purity of drinking water supplies; [(2)] (B) the adequacy of drinking
39 water supplies; and [(3)] (C) the public health, safety or welfare. No
40 such civil penalty may be imposed until the regulations required by
41 this subsection have been adopted."